

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**THE BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA,**

Plaintiffs,

v.

LEO M. COOK INC, ET AL.,

Defendants.

Case No. 12-cv-06046-YGR

**ORDER TO SHOW CAUSE RE SANCTIONS
AND SETTING HEARING; VACATING
COMPLIANCE HEARING OF
NOVEMBER 14, 2014**

On August 19, 2014, the Court issued an Order Setting Compliance Hearing (Dkt. No. 42) in light of representations made by Plaintiffs that Defendants had failed to appear or otherwise respond to the First Amended Complaint. Pursuant to that order, Plaintiffs were to file a Motion for Default Judgment on November 7, 2014, or a one-page statement setting forth an explanation for their failure to comply. As of the date of this Order, Plaintiffs have failed to file either the motion, or a statement explaining their failure to do so.

Plaintiffs are hereby **ORDERED TO SHOW CAUSE** why they should not be sanctioned for failure to timely file the required motion or statement.

A hearing on this Order to Show Cause will be held on **Friday, December 5, 2014** on the Court's **9:01a.m.** Calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 1.

By no later than **November 28, 2014**, Plaintiffs must file either (1) a motion for default judgment; or (2) a written response to this Order to Show Cause why they should not be sanctioned for their failure to timely file such motion. If the Court is satisfied with Plaintiffs' response, Plaintiffs need not appear and the hearing will be taken off calendar. Otherwise, lead counsel for Plaintiffs must personally appear at the hearing. Neither a special appearance nor a

1 telephonic appearance will be permitted. Failure to file a motion, statement, or to appear
2 personally will be deemed an admission that no good cause exists and that the imposition of
3 monetary sanctions is appropriate.

4 The Compliance Hearing set for November 14, 2014 is **VACATED**.

6 **IT IS SO ORDERED.**

7 Dated: November 12, 2014

8 
9 YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT

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